

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLAY L. KIRBY,

Defendant.

Case No. 4:17-cr-40030-JPG-1

**MEMORANDUM AND ORDER**

This matter comes before the Court on defendant Clay L. Kirby's motion for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guidelines Manual ("U.S.S.G.") § 1B1.10, making Amendment 821 retroactive (Doc. 81). The Government agrees with the motion (Doc. 83).

The parties agree that the defendant is eligible for a reduction under Part A of Amendment 821, which amended U.S.S.G. § 4A1.1(e) (2023) and concerns criminal history points awarded because a defendant was under a criminal sentence when he committed his offense of conviction ("status points"). Under Amendment 821, the defendant's 2 status points are reduced to 0 status points, and his criminal history category is reduced from IV to III. The result is that his guideline sentencing range is lowered. Considering this lowered range, the parties agree that a sentence reduction from 188 months to 126 months in prison is appropriate. The Court agrees for the reasons set forth in the motion.

Accordingly, the Court **GRANTS** the motion (Doc. 81) and reduces the defendant's sentence of imprisonment from 188 months to 126 months. The Court attaches its standard order (AO Form 247) reflecting the sentence reduction. Kirby's *pro se* motion for a sentence reduction is **DENIED as moot** in light of this order (Doc. 76).

**IT IS SO ORDERED.**

**DATED: April 16, 2024**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**U.S. DISTRICT JUDGE**